

18 September, 2005

Andrew L. Marshall, Esq
Bassford Remele
33 South Sixth Street, Ste 3800
Minneapolis, Minnesota 55402-3707

Via Fax 612 746-1223

In re: Your letter of 15 September, 2005

Dear Mr. Marshall:

You have again written to me in re Hettler v. Petters et al, case matter 05-CV-1127 this time copying Judge Montgomery. While I am pleased that your client co-defendant Mr. Petters has offered not to have me thrown in jail again, this unfortunately does not speak for Judge Montgomery.

Per my letter of 14 September, I advised Judge Montgomery that you have forced me into a situation which again imperils my liberty and quite possibly my life. Asking me to stipulate to a dismissal would definitely disrespect the orders of the Montgomery court and invite another contempt charge, whether you agree to press charges or not. As you know, Judge Montgomery specifically ordered on 17 August, 2005 that my judicial remedies were exhausted. For me therefore to ask for judicial relief this time in the form of a dismissal of my own case or to oppose your motion on October 14, as I see it, would contravene Judge Montgomery's existing order. My understanding of her order requires me as Plaintiff to cease and desist making any arguments in this case. This includes making this requested dismissal or opposing any such dismissal. This is why I cannot accommodate your request, cannot further appear nor oppose your motion on 14 October. Even though you state in your letter that your client would not pursue contempt sanctions against me should I sign this dismissal stipulation, certainly the court could very well on its own initiative enter an order of contempt and send me back to jail again. The only way I know of safely handling your request is to have Judge Montgomery handle the matter directly. Even as Plaintiff of record, my hands are literally tied by court order.

My health, as you know, is also quite frail since my stroke of May, 2005, and I barely survived this last jail episode brought on by your contempt citation. The stress of your original action which sent me to jail on 17 August and a threatened repeat of same as you now again propose is medically ill-advised by my neurosurgeon. Handling your existing demands by and through Judge Montgomery will therefore hopefully avoid another stress-filled episode, this time potentially fatal.

As I see it, because no remedies are available to me, all you have to do is appear before Judge Montgomery on October 14 at which time your dismissal will be unopposed and presumptively granted by Judge Montgomery without putting my life again unnecessarily at risk, where after we can both move on.

Thank you,



Richard Hettler
PO Box 386225
Bloomington, Minnesota 55438
612 285-8458

Copy: Judge Montgomery via FAX at 612 664-5097

